DOCKET NO. NNH-CV20-6105799-S	**:**	**SUPERIOR COURT**
JEFFREY TABER	**:**	**J.D. OF NEW HAVEN**
V.	**:**	**AT NEW HAVEN**
420 WHITNEY LLC		**OCTOBER 1, 2021**

DOCKET NO. NNH-CV21-6116001-S	**:**	**SUPERIOR COURT**
JEFFREY TABER	**:**	**J.D. OF NEW HAVEN**
V.	**:**	**AT NEW HAVEN**
MADMEN MAINTENANCE CORP.		**OCTOBER 1, 2021**

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MOTION TO CONSOLIDATE

Pursuant to Practice Book §9-5, Plaintiff, Jeffrey Taber, respectfully moves to consolidate the above-captioned matters, as follows:

(1) *Jeffrey Taber v. 420 Whitney LLC,* Superior Court, Judicial District of New Haven at New Haven, Docket No.: NNH-CV20-6105799-S.

(2) *Jeffrey Taber v. Madmen Maintenance Corp.,* Superior Court, Judicial District of New Haven at New Haven, Docket No.: NNH-CV21-6116001-S.

Both of these actions arise out of the same defective premises case. The plaintiff alleges that on June 21, 2019 he incurred personal injuries and losses as a result of the negligence and/or carelessness of both the defendants listed in each separate action. The plaintiff initially filed a lawsuit against 420 Whitney LLC on July 9, 2020. The plaintiff then later discovered that there was an additional contractor/responsible party for the maintenance of the subject defective property, Madmen Maintenance Corp. The plaintiff then

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subsequently filed a lawsuit against Madmen Maintenance Corp., bearing the Docket Number NNH-CV21-6116001-S on July 28, 2021. The plaintiff is the same in both actions.

Practice Book § 9-5 provides:

> Wherever there are two or more separate actions which should be tried together, the judicial authority may, upon motion of any party or upon its own motion order that the actions be consolidated for trial.

The decision to consolidate cases lies within the sound discretion of the trial court. *Alpha Crane Service, Inc. v Capitol Crane Co.,* 6 Conn. App. 60, 68, cert. denied, 199 Conn. 808 (1986). "Whether the actions arise out of the same transaction or involve identical parties are important factors in determining the propriety of the joinder or the consolidation of actions. *Mola v. Home Depot U.S.A., Inc., d/b/a Home Depot,* Superior Court, Judicial District of Stamford,/Norwalk at Stamford, 2000 WL 486864 (April 7, 2000, Karaxin, J.). The "procedure of trying cases together, which has long been the established practice in this state, assists in expediting business without doing anyone an injustice." *Growth v. Redmond,* 24 Conn. Supp. 467, 469 (Super. Ct. 1962).

Here, the cases which plaintiff seeks to consolidate both arise out of the same alleged negligence/premises liability action which occurred on or about June 21, 2019. Consolidating these cases will serve judicial economy. The Court and the parties will save significant time and expense in that consolidation will avoid the taking of duplicative discovery and the presentation of evidence at trial in multiple cases that will also be wholly duplicative. Moreover, consolidation at trial will avoid the potential for conflicting decisions.

WHEREFORE, for all the foregoing reasons, Plaintiff, Jeffrey Taber, respectfully requests that this Motion to Consolidate be granted.

THE PLAINTIFF,

Annette Smith, #432003

By _____

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CERTIFICATION

I hereby certify that a copy of the above was delivered via U.S. Mail or electronically mailed on October 1, 2021 to all counsel and self-represented parties of record:

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